

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ASD SPECIALTY HEALTHCARE, INC., d/b/a
ONCOLOGY SUPPLY COMPANY
2801 Horace Shepard Drive
Dothan, AL 36303,

Plaintiff,

v.

ONCOLOGY & HEMATOLOGY CENTERS OF
ATLANTA, P.C.
465 Winn Way, Suite 231
Decatur, GA 30030,

and

LLOYD G. GEDDES
1325 Scott Boulevard
Decatur, GA 30030,

Defendants.

CIVIL ACTION

NO. 1:05cv0591

REPORT OF PARTIES PLANNING MEETING

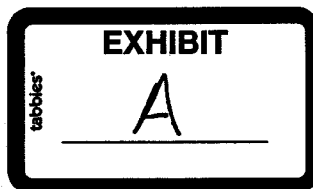
1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by telephone on Monday, August 8, 2005, and was attended by Morton R. Branzburg, Esquire, on behalf of the Plaintiff, Lloyd G. Geddes, M.D., pro se and Lloyd G. Geddes, M.D., on behalf of Oncology & Hematology Centers of Atlanta, P.C. (no attorney has yet entered an appearance for the corporate defendant).

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before September 12, 2005.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

(a) Discovery will be needed on:

PIIIL1 635410-1



All claims by Plaintiffs and all defenses by Defendants.

(b) All Discovery commenced in time to be completed by December 31, 2005.

(c) Maximum of 40 interrogatories by each party to any other party.

Responses due 30 days after service.

(d) Maximum of 40 requests for production by each party to any other party.

Responses due 30 days after service.

(e) Maximum of 20 requests for admission by each party to any other party.

Responses due 30 days after service.

(f) Each party shall be allowed to take a maximum of 5 depositions.

(g) Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by January 15, 2006.

from Defendant by February 15, 2006.

(h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

4. **OTHER ITEMS**

(a) The parties do not request a conference with the court before entry of the scheduling order.

(b) The parties request a pretrial conference in March 2006.

(c) All potentially dispositive motions should be filed by March 1, 2006.

(d) Settlement discussions are advanced and are expected to culminate in a settlement agreement being executed prior to September 12, 2005.

(e) In the event a settlement is not reached, the case should be ready for trial by April 15, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: August 10th, 2005.

BURR & FORMAN, LLP

By: _____

James J. Robinson (ROB013)
Heath A. Fite (FIT011)
3100 South Trust Tower
420 North 20th Street
Birmingham, AL 35203

and

Morton R. Branzburg, Esquire
Klehr, Harrison, Harvey, Branzburg & Ellers
260 S. Broad Street
Philadelphia, PA 19102
215-569-3007
Of Counsel

Attorneys for Plaintiff

By: _____

Lloyd G. Geddes, M.D., pro se

By: _____

Lloyd G. Geddes, M.D., President*
of Oncology & Hematology of Atlanta

*Dr. Geddes understands that he must retain counsel for Oncology & Hematology of Atlanta, and will do so if this case does not settle by September 12, 2005.

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LEONARD M. KLEHR
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CAROL ANN SLOCUM
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JOANNE B. WILLS
KEITH W. KAPLAN
DOUGLAS F. SCHLEICHER
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DAVID S. EAGLE*
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STEVEN A. KAYE
STEVEN K. KORTANEK
RONALD J. PATTERSON
GLENN A. WEINER
DANIEL P. O'BRIEN
DON P. FOSTER
HEATHER I. LEVINE
MARC H. STOFMAN

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PATRICK A. COSTELLO
STEVE CUSANO
TRACY L. HASLETT
RONEN L. MITRA
RYAN A. SILVERMAN
KRISTIN M. EKERT
NICOLE R. FAUX
RANDOLPH C. RELIFORD

MATTHEW J. BORGER
MARY B. HALFPENNY
JON M. KATONA
JULIE M. HOLLAND
LEE R. SUSSMAN
BRETT D. FELDMAN
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JENNIFER L. SCHERER
DAWN N. ZUBRICK
SUSAN C. CORNETT
MARIA J. WING

*MEMBER OF NEW YORK & DELAWARE BAR ONLY

**MEMBER OF DELAWARE BAR ONLY

†MEMBER OF DELAWARE & GEORGIA BAR ONLY

††MEMBER OF DELAWARE & MASSACHUSETTS BAR ONLY

OF COUNSEL
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DAVID L. ZIVE
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LYNN A. COLLINS
ALBERT T. KEYACK
MICHAEL C. FORMAN

December 19, 2005

Direct Dial: (215) 569-3007
E-Mail: MBRANZBU@klehr.com

VIA ELECTRONIC MAIL AT LLOYDGEDDES@AOL.COM
AND FAX NO. 404-377-8981

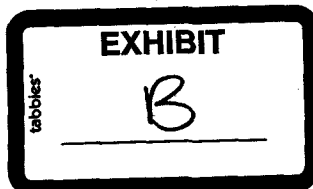
Lloyd G. Geddes, Jr., M.D.
Oncology & Hematology Centers of Atlanta, P.C.
Dekalb Center
465 Winn Way, Suite 231
Decatur, GA 30030

Re: ASD Specialty Healthcare, Inc. v. Oncology & Hematology Centers of
Atlanta, P.C. and Lloyd G. Geddes - Forbearance

Dear Dr. Geddes:

Enclosed please find a Rule 26(f) Order reminding the parties to confer and develop a proposed discovery plan. The Rule 26(f) report containing the discovery plan must be filed as soon as practicable, but not later than January 4, 2006. Enclosed please find our proposed pre-trial order. Please let us know if it is acceptable. If it not acceptable, please let us know your suggested changes. If we do not hear from you, we will submit this to the court with a notation that you have not responded.

We recognize that you have contacted a debt counseling agency. Accordingly, we are forwarding a copy of this to your debt counselor. Nonetheless, because you are a defendant in this litigation, and you have personally entered an appearance, we are communicating directly



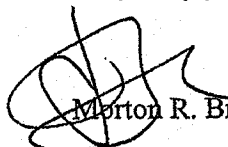
KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS LLP

December 19, 2005

Page 2

with you. If you obtain counsel who enters an appearance in the case, we will communicate with your attorney.

Very truly yours,



Morton R. Branzburg

MRB/jlt

cc: Ms. Quiana Witcher
Heath A. Fite, Esquire

bcc: Ms. Kelly Lewis
Debra C. Swartz, Esquire

11469-0151

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALTY HEALTHCARE, INC., d/b/a
ONCOLOGY SUPPLY COMPANY
2801 Horace Shepard Drive
Dothan, AL 36303,

Plaintiff,

v.

ONCOLOGY & HEMATOLOGY CENTERS OF
ATLANTA, P.C.
465 Winn Way, Suite 231
Decatur, GA 30030,

and

LLOYD G. GEDDES
1325 Scott Boulevard
Decatur, GA 30030,

Defendants.

CIVIL ACTION

NO. 1:05cv0591

REPORT OF PARTIES PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by telephone on _____, 2005, and was attended by Morton R. Branzburg, Esquire, on behalf of the Plaintiff; Lloyd G. Geddes, M.D., pro se and Lloyd G. Geddes, M.D., on behalf of Oncology & Hematology Centers of Atlanta, P.C. (no attorney has yet entered an appearance for the corporate defendant).

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before January 13, 2006.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- (a) Discovery will be needed on:
All claims by Plaintiffs and all defenses by Defendants.
- (b) All Discovery commenced in time to be completed by March 31, 2006.
- (c) Maximum of 40 interrogatories by each party to any other party.
Responses due **30** days after service.
- (d) Maximum of 40 requests for production by each party to any other party.
Responses due **30** days after service.
- (e) Maximum of 20 requests for admission by each party to any other party.
Responses due **30** days after service.
- (f) Each party shall be allowed to take a maximum of 5 depositions.
- (g) Reports from retained experts under Rule 26(a)(2) due:
from Plaintiff by January 15, 2006.
from Defendant by February 15, 2006.
- (h) Supplementations under Rule 26(e) due no later than 30 days before the
close of discovery.

4. **OTHER ITEMS**

- (a) The parties do not request a conference with the court before entry of the
scheduling order.
- (b) The parties request a pretrial conference in July 2006.
- (c) All potentially dispositive motions should be filed by April 14, 2006.
- (d) Settlement discussions have broken down. Dr. Geddes, who was making
monthly payments of \$20,000, has stopped making any payments.

(e) In the event a settlement is not reached, the case should be ready for trial by August 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: December ____, 2005.

BURR & FORMAN, LLP

By: _____
James J. Robinson (ROB013)
Heath A. Fite (FIT011)
3100 South Trust Tower
420 North 20th Street
Birmingham, AL 35203

and

Morton R. Branzburg, Esquire
Klehr, Harrison, Harvey, Branzburg & Ellers
260 S. Broad Street
Philadelphia, PA 19102
215-569-3007
Of Counsel

Attorneys for Plaintiff

By: _____
Lloyd G. Geddes, M.D., pro se

By: _____
Lloyd G. Geddes, M.D., President*
of Oncology & Hematology of Atlanta

*Dr. Geddes understands that he must retain counsel for Oncology & Hematology of Atlanta.

BURR & FORMAN LLP

ATTORNEYS AND COUNSELORS

420 North Twentieth Street, Suite 3100
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(205) 251-3000
(205) 458-5100 (Fax)

Heath A. Fite
Direct Dial: (205) 458-5112
Direct Fax: (205) 244-5636
Email: hfite@burr.com

FILE COPY

February 15, 2006

Lloyd G. Geddes, Jr., M.D.
Oncology Hematology Centers for Atlanta, P.C.
465 Winn Way
Suite 231
Decatur, Georgia 30030

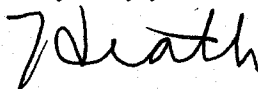
Raquel Gayle
Registered Agent for OHCA
Powell Goldstein
1201 West Peachtree Street
14th Floor
Atlanta, Georgia 30309

Re: *ASD Specialty Healthcare, Inc. v. Oncology Hematology Centers of Atlanta, P.C., et al.*
In the U.S. District Court for the Middle District of Alabama
Civil Action Number 1:05-CV-591-F (WO)

Dear Dr. Geddes and Ms. Gayle:

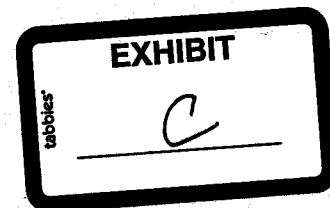
I write to remind you of your obligation to submit the disclosures required under Rule 26 of the Federal Rules of Civil Procedure, including the names and addresses of individuals who have information which you may use to support your defenses in this matter, documents that you may rely on to support your defenses in this matter, and any insurance agreements which may be available to satisfy part or all of the judgment in this action or indemnify or payment made to satisfy the judgment. I originally submitted my initial disclosures to you on January 25, 2006. As a courtesy, I am enclosing another copy of those disclosures. I ask that you forward to me your initial disclosures as soon as possible so that I do not have to take up this issue with the Court. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Heath A. Fite

HAF/njh
Enclosure



Birmingham • Montgomery • Atlanta • Jackson • Laurel

BURR & FORMAN LLP

ATTORNEYS AND COUNSELORS

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Heath A. Fite
Direct Dial: (205) 458-5112
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Email: hfite@burr.com

March 10, 2006

VIA FEDERAL EXPRESS

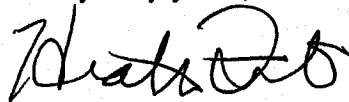
Lloyd G. Geddes, Jr., M.D.
Oncology Hematology Centers for Atlanta, P.C.
465 Winn Way
Suite 231
Decatur, Georgia 30030

Re: *ASD Specialty Healthcare, Inc. v. Oncology Hematology Centers of Atlanta, P.C., et al.*
In the U.S. District Court for the Middle District of Alabama
Civil Action Number 1:05-CV-591-F (WO)

Dear Dr. Geddes:

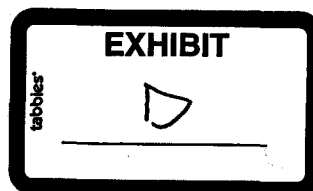
I represent ASD Specialty Healthcare, Inc. in the above-referenced action. I write to remind you of your obligation to submit the disclosures required under Rule 26 of the Federal Rules of Civil Procedure, including the names and addresses of individuals who have information which you may use to support your defenses in this matter, documents that you may rely on to support your defenses in this matter, and any insurance agreements which may be available to satisfy part or all of the judgment in this action or indemnify or payment made to satisfy the judgment. I remind you that I submitted ASD's initial disclosures to you on January 25, 2006, and resent them to you as a courtesy in my February 15, 2006, correspondence requesting initial disclosures from you. I ask that you forward to me your initial disclosures as soon as possible. If I have not received them by Friday, March 17, 2006, I will take up this issue with the Court.

Very truly yours,



Heath A. Fite

HAF/



BURR & FORMAN LLP

ATTORNEYS AND COUNSELORS

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Heath A. Fite
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Direct Fax: (205) 244-5636
Email: hfite@burr.com

March 10, 2006

VIA FEDERAL EXPRESS

Lloyd G. Geddes, Jr., M.D.
Oncology Hematology Centers for Atlanta, P.C.
465 Winn Way
Suite 231
Decatur, Georgia 30030

**Re: ASD Specialty Healthcare, Inc. v. Oncology Hematology Centers of Atlanta,
P.C., et al.
In the U.S. District Court for the Middle District of Alabama
Civil Action Number 1:05-CV-591-F (WO)**

Dear Dr. Geddes:

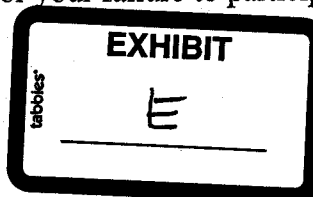
I represent ASD Specialty Healthcare, Inc. in the above-referenced action. I write to remind you of your obligations under Rule 26(f) of the Federal Rules of Civil Procedure to participate in a party planning meeting to discuss the nature of the claims and defenses in this lawsuit, settlement and/or other resolution of this lawsuit, the submission of Rule 26(a)(1) disclosures, and to develop a discovery plan for the case. I realize that you have met at least once with my co-counsel in this action, Morton R. Branzburg, concerning these issues back in August 2006, and that you ignored the proposed Report of the Party Planning Meeting Mr. Branzburg sent you in December 2006.

I want to give you one more chance to comply with your duties to participate in a planning meeting before seeking Court involvement. I have enclosed a proposed Report of the Party Planning Meeting for your review. I will call your office on Monday, March 13, 2006, to discuss its contents and to engage in such a meeting. If that is not convenient, just let me know when you would like to meet next week. Otherwise, if the proposed Report suits you, just sign and return it to me for delivery by the morning of Friday, March 17, 2006.

If you are not willing to comply with these duties and involve yourself with this litigation I will be forced to seek Court involvement. In particular, If you do not meet with me and/or signify your acquiescence to the terms of the proposed Report by signing it and returning it to me by the morning of Friday, March 17, 2006, I will move the Court for a scheduling conference, entry of a scheduling order consistent with the terms of the proposed Report and seek an award of reasonable expenses, including attorney fees, for your failure to participate in a party planning meeting.

Birmingham

Montgomery



kson

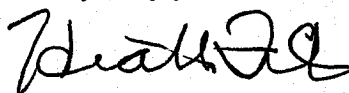
Laurel

BURR & FORMAN LLP

Lloyd G. Geddes, Jr., M.D.
Raquel Gayle
March 10, 2006
Page 2

Furthermore, if I am unable to speak with you and hear nothing from you by the morning of Friday, March 17, 2006, I will assume that you agree with the proposed Report enclosed. Please do not hesitate to contact me should you have any questions or comments, would like to conduct a party planning meeting or would otherwise like to discuss the terms of the proposed Report.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heath A. Fite", with a stylized, cursive script.

Heath A. Fite

HAF/

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALTY HEALTHCARE, INC., d/b/a :
ONCOLOGY SUPPLY COMPANY :
2801 Horace Shepard Drive :
Dothan, AL 36303, :

Plaintiff,

v.

ONCOLOGY & HEMATOLOGY CENTERS OF :
ATLANTA, P.C. :
465 Winn Way, Suite 231 :
Decatur, GA 30030, :

and

LLOYD G. GEDDES :
1325 Scott Boulevard :
Decatur, GA 30030, :

Defendants.

CIVIL ACTION

NO. 1:05cv0591

REPORT OF PARTIES PLANNING MEETING

1. Counsel for Plaintiff ASD Specialty Healthcare, Inc., d/b/a Oncology Supply Company and Defendant Lloyd G. Geddes conducted a party planning meeting pursuant to FED. R. Civ. P. 26(f), on March _____, 2006.

2. **Pre-Discovery Disclosures.** Plaintiff has submitted the information required by Federal Rule of Civil Procedure 26(a)(1). Defendant Geddes will submit such information on or before March 17, 2006.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

(a) Discovery will be needed on:

All claims by Plaintiffs and all defenses by Defendants.

(b) All Discovery commenced in time to be completed by June 31, 2006.

(c) Maximum of 40 interrogatories by each party to any other party.

Responses due 30 days after service.

(d) Maximum of 40 requests for production by each party to any other party.

Responses due 30 days after service.

(e) Maximum of 20 requests for admission by each party to any other party.

Responses due 30 days after service.

(f) Each party shall be allowed to take a maximum of 5 depositions.

(g) Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by April 15, 2006.

from Defendant by May 15, 2006.

(h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

4. **OTHER ITEMS**

(a) The parties do not request a conference with the court before entry of the scheduling order.

(b) The parties request a pretrial conference in September 2006.

(c) All potentially dispositive motions should be filed by July 15, 2006.

(d) Settlement discussions have broken down. Dr. Geddes, who was making monthly payments of \$20,000, has stopped making any payments.

(e) In the event a settlement is not reached, the case should be ready for trial by October 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: March ___, 2006.

BURR & FORMAN, LLP

By: _____
Heath A. Fite (FIT011)
3100 Wachovia Tower
420 North 20th Street
Birmingham, AL 35203

and

Morton R. Branzburg, Esquire
Klehr, Harrison, Harvey, Branzburg & Ellers
260 S. Broad Street
Philadelphia, PA 19102
215-569-3007
Of Counsel

Attorneys for Plaintiff

Dr. Lloyd G. Geddes, M.D., *pro se*

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALTY HEALTHCARE, INC., d/b/a :
ONCOLOGY SUPPLY COMPANY :
2801 Horace Shepard Drive :
Dothan, AL 36303, :

Plaintiff,

v.

ONCOLOGY & HEMATOLOGY CENTERS OF :
ATLANTA, P.C. :
465 Winn Way, Suite 231 :
Decatur, GA 30030, :

and

LLOYD G. GEDDES :
1325 Scott Boulevard :
Decatur, GA 30030, :

Defendants.

CIVIL ACTION

NO. 1:05cv0591

REPORT OF PARTIES PLANNING MEETING

Counsel for Plaintiff ASD Specialty Healthcare, Inc., d/b/a Oncology Supply Company attempted to conduct a party planning meeting pursuant to FED. R. CIV. P. 26(f) with Defendant Lloyd G. Geddes by preparing a proposed Report, and sending it to Geddes for delivery on Monday, March 13, 2006, along with correspondence informing that he would call Geddes on Monday to discuss. During the afternoon of March 13, 2006, ASD's counsel called Geddes' office and left a message asking Geddes to call. Later that afternoon, Geddes called, but was not able to discuss the contents of the proposed Report because he had not yet reviewed the mailing. ASD's counsel asked Geddes to sign and send the Report back by the morning of March 17, 2006, if he approved of its terms and, otherwise, asked Geddes to call that week to discuss,



particularly, if there was anything in the proposed Report Geddes wanted to change. Again, on March 16, 2006, having neither heard nor received anything from Geddes, Plaintiff's counsel called Geddes' office in an attempt to confer with Geddes about the proposed Report and Geddes' initial disclosures. Geddes was not available, Plaintiff's counsel left a message asking that Geddes call him. Again, on March 17, 2006, having neither heard nor received anything from Geddes, Plaintiff's counsel called Geddes' office in an attempt to confer with Geddes. Geddes was not available, Plaintiff's counsel left a message asking that Geddes call him. Geddes has not returned these calls. Because Geddes has expressed no opposition to the proposed Report, despite repeated attempts seeking his input, Plaintiff's counsel maintains that he consents to its terms and urges the Court to enter a Scheduling Order accordingly.

1. **Pre-Discovery Disclosures.** Plaintiff has submitted the information required by Federal Rule of Civil Procedure 26(a)(1). Today, Plaintiff is moving to compel Defendant Geddes to submit his initial disclosures.

2. **Discovery Plan.** Plaintiff proposes to the court the following discovery plan:

(a) Discovery will be needed on:

All claims by Plaintiffs and all defenses by Defendants.

(b) All Discovery commenced in time to be completed by June 31, 2006.

(c) Maximum of 40 interrogatories by each party to any other party.

Responses due **30** days after service.

(d) Maximum of 40 requests for production by each party to any other party.

Responses due **30** days after service.

(e) Maximum of 20 requests for admission by each party to any other party.

Responses due **30** days after service.

(f) Each party shall be allowed to take a maximum of 5 depositions.

(g) Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by April 15, 2006.

from Defendant by May 15, 2006.

(h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

3. **OTHER ITEMS**

(a) Plaintiff does not request a conference with the court before entry of the scheduling order, but has no objection to participating in one should the Court deem it necessary or expeditious. .

(b) The parties request a pretrial conference in September 2006.

(c) All potentially dispositive motions should be filed by July 15, 2006.

(d) Settlement discussions have broken down. Dr. Geddes, who was making monthly payments of \$20,000, has stopped making any payments.

(e) In the event a settlement is not reached, the case should be ready for trial by October 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: March 20th, 2006.

BURR & FORMAN, LLP

By: /s/ Heath A. Fite

Heath A. Fite (FIT011)
3100 Wachovia Tower
420 North 20th Street
Birmingham, AL 35203

and

Morton R. Branzburg, Esquire
Klehr, Harrison, Harvey, Branzburg & Ellers
260 S. Broad Street
Philadelphia, PA 19102
215-569-3007
Of Counsel

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 20h day of March, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties. I hereby certify that on the 20th day of March, 2006, I served the following by directing the same to their office addresses through first-class, United States mail, postage prepaid:

Raquel Gayle,
Registered Agent for OHCA
Powell Goldstein
1201 West Peachtree Street
14th Floor
Atlanta, GA 30309

Lloyd G. Geddes, Jr. MD
Oncology Hematology Centers of Atlanta, P.C.
465 Winn Way, Suite 231
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